



7-11-3

2CE/1600  
#10  
7/24/03  
RECEIVED  
JUL 15 2003  
TECH CENTER 1600

PTO/SB/30 (05-03)  
Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/807,851
Filing Date	April 19, 2001
First Named Inventor	Jurgen Heuser
Art Unit	1621
Examiner Name	S. A. Witherspoon
Attorney Docket Number	Mo6284/LeA 32,990

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☒ Affidavit(s)/ Declaration(s)
- iv. ☒ Other Preliminary Paper

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 13-3848
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

07/14/2003 AWONDAF1 00000111 133848 09807851  
01 FC:1801 750.00 DA

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Aron Preis	Registration No. (Attorney/Agent)	29,426
Signature	<i>Aron Preis</i>	Date	July 10, 2003

### CERTIFICATE OF MAILING OR TRANSMISSION express

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as ~~first class~~ mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Donna Veatch	Date	July 10, 2003
Signature	<i>Donna Veatch</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT APPLICATION  
Mo6284  
LeA 32,990

# 11  
7/24/03  
*[Signature]*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1800/2900  
JUL 15 2003

RECEIVED

APPLICATION OF	)	
JÜRGEN HEUSER ET AL	)	GROUP NO.: 1621
SERIAL NUMBER: 09/807,851	)	
FILED: APRIL 19, 2001	)	EXAMINER: S. A. WITHERSPOON
TITLE: PHOSGENE WITH POOR	)	
CARBON TETRACHLORIDE	)	
CONTENT	)	

PRELIMINARY PAPER

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicants request that the instantly filed Patent Application (RCE) be considered in light of the Declaration by Dr. Kauth.

The claimed invention is directed to a process for producing phosgene having low content of carbon tetrachloride. Key features characterizing the inventive process are its pressure and temperature parameters. Specifically the gas stream emerging from the reactor is under pressure of 120 to 400 kPa<sub>abs</sub> and its temperature is 30 to 80°C.

"Express Mail" mailing label number ET673921806US  
July 10, 2003

Date of Deposit \_\_\_\_\_

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the U.S. Patent and Trademark Office, Arlington, VA 22202

Donna Veatch

(Name of person mailing paper or fee)

Signature of person mailing paper or fee)

Cicha et al (WO 97/30932) and Obrecht (U.S. Patent 4,231,959) were cited in the course of prosecution of the parent Patent Application.

Cicha disclosed a corresponding process yet is completely silent relative to pressure. Obrecht disclosed producing phosgene and provides no relevant information relative to the presently critical pressure parameter.

Since neither document recite the critical parameters, the Applicants assert that the prima facie obviousness case has not been made. Further supporting Applicants' position is the Kauth Declaration. Accordingly, the working examples included in the application support the position that pressure and temperature are in fact critical parameters influencing the purity, in terms of CCL<sub>4</sub> content, of the resulting phosgene. The relationship between the parameters and purity have not been disclosed or suggested by the cited art.

Consideration of the evidence in the continued prosecution is requested.

Respectfully submitted,

By



Aron Preis  
Attorney for Applicants  
Reg. No. 29,426

Bayer Polymers LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-3814  
FACSIMILE PHONE NUMBER:  
(412) 777-3902

/jme/AP/AP0355